

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERESA LIGGINS,

Defendant.

4:12-CR-3057

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation (filing [144](#)), recommending that the remainder of the defendant's motion to vacate under 28 U.S.C. § 2255 (filing [100](#)) be dismissed in its entirety. The time for objecting to the Magistrate Judge's findings and recommendation has elapsed. *See*, Rules [8\(b\)](#), [10](#), [12](#) of the *Rules Governing Section 2255 Proceedings for the United States District Courts*; [Fed. R. Crim. P. 59\(b\)\(2\)](#); [NECrimR 59.2\(a\)](#); [NECivR 72.2\(a\)](#). No objection has been filed.

[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party has objected to the Magistrate Judge's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991); *see*, [Fed. R. Crim. P. 59\(b\)\(2\)](#); [Rule 8\(b\)](#) of the *Rules Governing Section 2255 Proceedings for the United States District Courts*. Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation or the finding of fact. [Fed. R. Crim. P. 59\(b\)\(2\)](#); [NECrimR 59.2\(e\)](#); [NECivR 72.2\(f\)](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); *see also United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

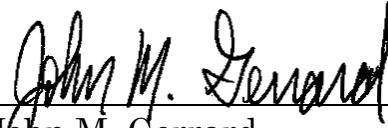
IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing [144](#)) are adopted.

2. The defendant's motion to vacate under 28 U.S.C. § 2255 (filing [100](#)) is dismissed.
3. A separate judgment will be entered.

Dated this 21st day of October, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge